1951

File No. Motor II/51 (R)

P-10
E

Legal Deptt
B BRANCH

Subject:— Rules under the Motor Vehicles Act, 1939

File No. Motor II/51 (R)

Gen. 194

188 B

Legal Department.

A revised draft notification is sent herewith.

2. It appears to be the intention of Government to give facility to every Co-operative Society which deals in any goods (not necessarily fish, fruits and vegetables) to carry its members with the load of their goods in motor trucks to market-places. The revised draft gives general powers to Government to specify a class of Societies. Only a member authorized by a Society may be permitted to be carried.

J.R.Dhurandhar
24/1

o.c.

Additional Secretary to Govt.

U.R. to H.D.No. 1654 dt the 27th January 1951.

CWK 4/7

25/6.

Legal Department.

A revised draft notification is sent herewith

2 The maximum length of certain classes of motor vehicles has been prescribed by rule 121 of the Bombay Motor Vehicles Rules. It is now intended that stage carriages should be permitted to have an overall length of 30 feet (please see the letter of the General Manager, B.E.S.T. at p.1 ante). The Government also proposes to relax the overall length in the City of Bombay in the first instance. If so, the proposal to exempt buses from the provisions of rule 121 would result in having no maximum length fixed by law. The better course would be to fix the maximum length of 30 feet in the case of stage carriages. This relaxation of length is likely to lead to increase of laden weight. But as Govt. has not prescribed any maximum laden weitht on roads in Bombay City (para. 2 of H.D. note on p.8) Govt. can relax the maximum length under the proposed proviso in Greater Bombay.

J.R.Dhurandhar

25/1.

o.c.

Additional Secretary to Government

U.R to H.D. No. 1006 dt. the 25th January 1951.

MM

25/6.

Office of the R.J.A.

The draft notification at page 13 ante, as slightly amended, is in order.

2. The expression "City of Poona" has been defined in rule 2(d) of the Bombay Motor Vehicles Rules, 1940, and will have the same meaning in the notification.

J.R.Dharandhar
14/5

O.C.
Remembrancer of Legal Affairs

U.R. to H.D. No. 7661 , dated the 15th May 1951

MM
27/6

Office of the R.L.A.

A revised draft notifiontion in place of Home Department draft is sent herewith.

It is presumed that it is the intention of Home Department to make the driver or the conductor of the stage carriage responsible also for producing the complaint book kept at the bus-stand.

J.R.Dhurandhar.

22/5.

O.C.

Remembrancer of Legal Affairs.

U.R. to H.D. No. 8047, dated the 22nd May 1951.

20/'6

Office of the R.L.A.

As the amendment proposed to be carried out in Rule 83 is of an important nature it will be necessary to issue a preliminary notification for inviting objections and suggestions. A draft notification for the purpose is sent herewith. The Home Department should consider whether the date on which the draft notification will be finally issued should not be mentioned in place of the 30th day of January 1951, the date which is proposed to be inserted in the proviso to Rule 88(10).

J.R.Dhurandhar.

31/5.

o o.

Remembrancer of Legal Affairs.

U.R. to H.D. No. 8610, dt. the 1st ~~May~~ June 1951.

27/6.

Office of the R.L.A.

A revised draft notification is sent herewith.

2. According to rule 109 of the Motor Vehicles Rules, 1940 all that is required for fitting a mirror internally or externally is that the mirror should be so placed that the driver is able to have a clear and distant vision of vehicles approaching from the rear. This test is sufficient for permitting a stage carriage to have a mirror ~~to have a mirror~~ fitted internally. It does not appear necessary that some other authority should satisfy itself that the test is complied with.

J.B.Dhurandhar.
10/6.
o/c.
Remembrancer of Legal Affairs.

U.R. to H.D. No. 9868, dt. the 21st June 1951.

27/6.

Office of the R.L.A.

A revised draft notification amending sub-rule (3) of rule 158 of the Bombay Motor Vehicles Rules, 1940 is sent herewith.

2. The proposal of the Home Department to make a rule empowering Government to direct, in the general interest of the public, by a notification that a particular rule shall not be enforced to such extent and in such cases in not legally feasible. Such a rule would be inconsistent with the provisions of the Motor Vehicles Act, 1939. Moreover, it is likely to be attacked on the ground that it gives unlimited and arbitrary power to Government. (see Yick wo v. Peter Hopkins (1886) 118 U.S. 356).

J.R. Dharandhar

4/9.

o/c

Remembrancer of Legal Affairs

U.R. to H.D.No. 14150. dated the 4-9-August-1951

MS

27/8

Legal Department.

A revised draft notification is sent herewith

The draft amendment to rule 115 of the Bombay Motor Vehicles Rules, 1940 as proposed by the H.D. in its draft at page 55 ante is not in order. In the draft sub-rule (4), there is a reference to locomotive but from clauses (a), (b) and (c) of the sub-rule it will appear that no limitation has been placed in respect of a locomotive. A reference to locomotive in the sub-rule has therefore been omitted. According to the arrangement of Chapters in the Bombay Motor Vehicles Rules, 1940, clauses (a), (b) and (c) of draft sub-rule (4) would form part of rule 115 in Chapter V which relates to construction, equipment and maintenance of motor vehicles. The provisos to the draft sub-rule would form part of Chapter VI which relates to control of traffic. A new draft rule 101A incorporating the draft provisos has accordingly been inserted in the said Chapter. Draft sub-rule (5) which relates to trailors would form part of the special Rules applicable to Trailors in Chapter VI of the Rules. It has, therefore, been incorporated in rule 205.

As the amendment as published in the preliminary notification (p. 24 ante) is practically superseded by the draft amendment as now

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proposed by the H.M. in the draft notification at page, 55 ante, it is necessary to publish again a preliminary notification.

20/10

o.o

Deputy Secretary to Government.

U.O. to H.D. No. 16695, dt. the 20th October 1951.

MM

27/6.

Office of the R.L.A.

A revised draft notification is herewith.

When the proposed amendment to rule 212 is finally published, it will be necessary to cancel Government Notification, Revenue Department No. 3680/-E/39, dated the 30th April 1940. in so far as it relates to powers conferred on ~~[illegible]~~ on Inspectors of Motor Vehicles under section 90 of the Act and Government Notification, Home Department No. 4929/4, dated the 30th July 1941. The Home Department may cancel the same by issuing a separate notification.

J.R.Dhurandhar.
8/11.

o.o

Remembrancer of Legal Affairs.

U.R. to H.D. No. 17796 dated the 6th November 1951.

MM
27/6.

227 161

Office of the R.L.A.

A revised draft notificarion in place of H.D. draft at p. 9 ante is sent herewith subject to the following observations:

2. Sub-rule (2) of rule 31 of the Bombay Motor Vehicles Rules provides that an application for the grant or renewal of a certificate of fitness shall be made in Form CFA or CFRA respectively to the Registering authority in whose jurisdiction the vehicle is normally kept etc. The jurisdiction of Registering Authorities have been specified in rule 24. From that rule it appears that the R.T.O., Bombay, is the Regional Authority for Greater Bombay and the portion of the Thana District lying South of Dahisar on the B.B. & C.I. Railway and of Mulund on the G.I.P. Railway. It is presumed that the expression "Bombay Region" in the H.D. draft notification at p. 9 ante refers to the area in rule 24(i) as stated above.

R. Dhurandhar
7/12.
o.o.
Remembrancer of Legal Affairs.

UR. to H.D.No. 19715, dt. the 7th Dec. 1951.

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27/6